

HOUSE BILL NO. 441

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO TAX CREDIT SCHOLARSHIPS TO INCREASE THE ACCOUNTABILITY OF QUALIFIED EDUCATION PROVIDERS RECEIVING TAX-BENEFITED SCHOLARSHIPS; REQUIRING THAT QUALIFIED EDUCATION PROVIDERS ADMINISTER THE SAME ASSESSMENTS AS THOSE REQUIRED OF PUBLIC SCHOOLS AND PROVIDE INFORMATION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION; REQUIRING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO PUBLISH REPORT CARDS FOR QUALIFIED EDUCATION PROVIDERS IN THE SAME MANNER AS PUBLIC SCHOOLS; REVISING A DEFINITION; AMENDING SECTIONS 15-30-3102 AND 20-3-106, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 15-30-3102, MCA, is amended to read:

"15-30-3102. (Temporary) Definitions. As used in this part, the following definitions apply:

- (1) "Department" means the department of revenue provided for in 2-15-1301.
- (2) "Donation" means a gift of cash.
- (3) "Eligible student" means a student who is a Montana resident and who is 5 years of age or older on or before September 10 of the year of attendance and has not yet reached 19 years of age.
- (4) "Innovative educational program" includes any of the following:
 - (a) transformational learning as defined in 20-7-1602;
 - (b) advanced opportunity as defined in 20-7-1503;
 - (c) any program, service, instructional methodology, or adaptive equipment used to expand opportunity for a child with a disability as defined in 20-7-401;
 - (d) any courses provided through work-based learning partnerships or for postsecondary credit or career certification; and

1 (e) technology enhancements, including but not limited to any expenditure incurred for purposes
2 specified in 20-9-533.

3 (5) "Partnership" has the meaning provided in 15-30-2101.

4 (6) "Pass-through entity" has the meaning provided in 15-30-2101.

5 (7) "Qualified education provider" means an education provider that:

6 (a) is not a public school;

7 (b) (i) is accredited, has applied for accreditation, or is provisionally accredited by a state, regional,
8 or national accreditation organization; or

9 (ii) is a nonaccredited provider or tutor and has informed the child's parents or legal guardian in
10 writing at the time of enrollment that the provider is not accredited and is not seeking accreditation;

11 (c) is not a home school as referred to in 20-5-102(2)(e);

12 (d) satisfies the health and safety requirements prescribed by law for private schools in this state;

13 and

14 (e) administers the same statewide assessments as those required of public schools under the
15 rules of the board of public education;

16 (f) provides to the superintendent of public instruction the information required to produce a
17 school-level report card displaying the same information as those required of Montana public schools under
18 federal law; and

19 ~~(e)~~(g) qualifies for an exemption from compulsory enrollment under 20-5-102(2)(e) and 20-5-109.

20 (8) "Small business corporation" has the meaning provided in 15-30-3301.

21 (9) "Student scholarship organization" means a charitable organization in this state that:

22 (a) is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code,
23 26 U.S.C. 501(c)(3);

24 (b) allocates not less than 90% of its annual revenue from donations eligible for the tax credit
25 under 15-30-3111 for scholarships to allow students to enroll with any qualified education provider; and

26 (c) provides educational scholarships to eligible students without limiting student access to only
27 one education provider.

28 (10) "Taxpayer" has the meaning provided in 15-30-2101. (Terminates December 31, 2029--secs.

1 20 and 24(6), Ch. 480, L. 2021.)"

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3 **Section 2.** Section 20-3-106, MCA, is amended to read:

4 **"20-3-106. Supervision of schools -- powers and duties.** The superintendent of public instruction
5 has the general supervision of the public schools and districts of the state and shall perform the following duties
6 or acts in implementing and enforcing the provisions of this title:

7 (1) resolve any controversy resulting from the proration of costs by a joint board of trustees under
8 the provisions of 20-3-362;

9 (2) issue, renew, or deny teacher certification and emergency authorizations of employment;

10 (3) negotiate reciprocal tuition agreements with other states in accordance with the provisions of
11 20-5-314;

12 (4) approve or disapprove the opening or reopening of a school in accordance with the provisions
13 of 20-6-502, 20-6-503, 20-6-504, or 20-6-505;

14 (5) approve or disapprove school isolation within the limitations prescribed by 20-9-302;

15 (6) generally supervise the school budgeting procedures prescribed by law in accordance with the
16 provisions of 20-9-102 and prescribe the school budget format in accordance with the provisions of 20-9-103
17 and 20-9-506;

18 (7) establish a system of communication for calculating joint district revenue in accordance with the
19 provisions of 20-9-151;

20 (8) approve or disapprove the adoption of a district's budget amendment resolution under the
21 conditions prescribed in 20-9-163 and adopt rules for an application for additional direct state aid for a budget
22 amendment in accordance with the approval and disbursement provisions of 20-9-166;

23 (9) generally supervise the school financial administration provisions as prescribed by 20-9-201(2);

24 (10) prescribe and furnish the annual report forms to enable the districts to report to the county
25 superintendent in accordance with the provisions of 20-9-213(6) and the annual report forms to enable the
26 county superintendents to report to the superintendent of public instruction in accordance with the provisions of
27 20-3-209;

28 (11) approve, disapprove, or adjust an increase of the average number belonging (ANB) in

1 accordance with the provisions of 20-9-313 and 20-9-314;

2 (12) distribute BASE aid and special education allowable cost payments in support of the BASE
3 funding program in accordance with the provisions of 20-9-331, 20-9-333, 20-9-342, 20-9-346, 20-9-347, and
4 20-9-366 through 20-9-369;

5 (13) provide for the uniform and equal provision of transportation by performing the duties
6 prescribed by the provisions of 20-10-112;

7 (14) request, accept, deposit, and expend federal money in accordance with the provisions of 20-9-
8 603;

9 (15) authorize the use of federal money for the support of an interlocal cooperative agreement in
10 accordance with the provisions of 20-9-703 and 20-9-704;

11 (16) prescribe the form and contents of and approve or disapprove interstate contracts in
12 accordance with the provisions of 20-9-705;

13 (17) recommend standards of accreditation for all schools to the board of public education in
14 accordance with the provisions of 20-7-101;

15 (18) evaluate compliance with the accreditation standards and recommend accreditation status of
16 every school to the board of public education in accordance with the provisions of 20-7-102;

17 (19) collect and maintain a file of curriculum guides and assist schools with instructional programs in
18 accordance with the provisions of 20-7-113 and 20-7-114;

19 (20) establish and maintain a library of visual, aural, and other educational media in accordance
20 with the provisions of 20-7-201;

21 (21) license textbook dealers and initiate prosecution of textbook dealers violating the law in
22 accordance with the provisions of the textbooks part of this title;

23 (22) as the governing agent and executive officer of the state of Montana for K-12 career and
24 vocational/technical education, adopt the policies prescribed by and in accordance with the provisions of 20-7-
25 301;

26 (23) supervise and coordinate the conduct of special education in the state in accordance with the
27 provisions of 20-7-403;

28 (24) administer the traffic education program in accordance with the provisions of 20-7-502;

1 (25) administer the school food services program in accordance with the provisions of 20-10-201
2 through 20-10-203;

3 (26) review school building plans and specifications in accordance with the provisions of 20-6-622;

4 (27) provide schools with information and technical assistance for compliance with the student
5 assessment rules provided for in 20-2-121 and collect and summarize the results of the student assessment for
6 the board of public education and the legislature;

7 (28) upon request and in compliance with confidentiality requirements of state and federal law,
8 disclose to interested parties all school district student assessment data for a test required by the board of
9 public education;

10 (29) administer the distribution of guaranteed tax base aid in accordance with 20-9-366 through 20-
11 9-369; and

12 (30) produce and publish a school-level report card displaying the same information as those
13 required of Montana public schools under federal law for any qualified education provider receiving scholarship
14 funds from a student scholarship organization pursuant to 15-30-3104; and

15 ~~(30)~~(31) perform any other duty prescribed from time to time by this title, any other act of the
16 legislature, or the policies of the board of public education."
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18 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 2023.
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20 **NEW SECTION. Section 4. Termination.** [Sections 1 and 2] terminate December 31, 2029.
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